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ATTORNEYS FOR PLAINTIFF
 B&G FOODS NORTH AMERICA, INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

B&G FOOD NORTH AMERICA, INC.,
 Plaintiff,
 v.
 KIM EMBRY and ENVIRONMENTAL
 HEALTH ADVOCATES, INC., acting as
 enforcement representatives under California
 Proposition 65 on behalf of the State of
 California,
 Defendants.

Case No. 2:20-cv-00526-KJM-DB

**DECLARATION OF GENERAL MILLS,
 INC. DBA MEDALLION LABS**

Judge: Hon. Kimberly J. Mueller
 Magistrate Judge Hon. Deborah Barnes

SAC Filed: November 23, 2022
 Trial Date: None Set

1 I, Sarah Eull, declare:

2 1. I am General Manager of Medallion Labs (“Medallion”). I make this declaration
3 based on my personal knowledge. If called as a witness, I could, and would, testify competently to
4 the facts stated herein.

5 2. Medallion Labs is an analytical testing and consulting services laboratory of
6 General Mills. Medallion Labs provides businesses with food product testing to assist them in
7 scrutinizing the composition of their foods, evaluating customer satisfaction, and ensuring
8 compliance with food safety standards.

9 **A. Defendants’ Violation of Medallion’s Terms of Service**

10 3. Medallion does not prepare testing for use in litigation, which requires strict control
11 to ensure samples are not destroyed and are available for retesting. Medallion’s purchase orders
12 expressly prohibit using its testing in litigation for this reason.

13 4. Medallion was not informed that its results were being used for the purpose of
14 litigation until it received a subpoena from B&G Foods in this case. Defendants did not inform
15 Medallion that its testing would be used for the purpose of litigation.

16 5. On September 8, 2020, Medallion terminated its relationship with Defendants and
17 declined to accept any other requests for testing. Medallion does not validate Defendants’ use of its
18 results for the purpose of litigation.

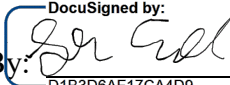
19 6. Therefore, Medallion rescinds Defendants’ past results.

20 **B. Defendants Did Not Instruct Medallion to Retain Samples**

21 7. Medallion has never received any request from Defendants to retain samples for a
22 period longer than the preservation period provided in its terms of service.

23 8. On November 18, 2020, Defendants first inquired about Medallion’s preservation
24 of evidence policy.

25
26 Dated: August 2, 2024

DocuSigned by:
By: 
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Sarah Eull

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28 General Mills, Inc. dba Medallion Labs